IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.T.SANKARAN

FRIDAY, THE 14TH DECEMBER 2007 / 23RD AGRAHAYANA 1929

C.R.P.No. 1390 of 2004

(IA.NO.1125 2004 IN OS.60/2003 of SUB COURT, NEYYATTINKARA)

REVN. PETITIONER/PETITIONER/PLAINTIFF:

D. ALISTOR BOSE,
RETNAVILASOM BUNGLOW, KALUMMUGHAM,
THIRUPURAM DESOM AND VILLAGE, TEACHER, GOVT.
HIGH SCHOOL, KANJAMAZHANJI,
NEYYATTINKARA.

BY ADV. SRI.P.S.VASAVAN PILLAI

RESPONDENTS/RESPONDENT NOS.13 AND 14/DEFENDANTS 13 & 14
---

1. GOVERNMENT OF KERALA, REPRESENTED BY
THE DISTRICT COLLECTOR, THIRUVANANTHAPURAM.

2. DIRECTOR ,
DIRECTORATE OF TECHNICAL EDUCATION,
PADMAVILASAM ROAD,
THIRUVANANTHAPURAM-23.

BY GOVERNMENT PLEADER ADV. SHRI THOMAS JOHN AMBOOKEN.

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 14/12/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

C.R.P. NO. 1390 OF 2004

ORDER ON I.A.NO. 3644 OF 2004 IN C.R.P. NO. 1390 OF 2004

DISMISSED.

14.12.2007 SD/- K.T. SANKARAN, JUDGE.

/TRUE COPY/

P.A. TO JUDGE.

K.T. SANKARAN, J.

.....

C.R.P. No. 1390 OF 2004

.....

Dated this the 14th December, 2007

O R D E R

The plaintiff in O.S.No.60 of 2003 on the file of the court of the Sub Judge, Neyyattinkara challenges the order dated 13th October, 2004, by which the court below allowed the application filed by the defendant Nos. 13 and 14 to set aside the order setting them as ex parte in the suit. Defendant Nos. 13 and 14 are Government of Kerala and the Director of Technical Education respectively. They were set ex parte. The suit is still pending. By the order impugned, defendant Nos. 13 and 14 are now permitted to file written statement and to contest the suit on the merits. No prejudice will be caused to the plaintiff by setting aside the order setting defendants 13 and 14 as ex parte and permitting them to file written statement. Such an order cannot be normally interfered with under section 115 of the Code of Civil Procedure. I am of the view that the court below was right in allowing the application . No interference is called for in this Civil Revision Petition. Accordingly, the Civil Revision Petition is dismissed. No order as to costs.

K.T. SANKARAN,
JUDGE.

lk